

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESLEY BARBER, an individual;
JACQUELYN HOLTON BARBER, an
individual,

Plaintiffs,

v.

PJH BRANDS, a Nevada Corporation, 1ST AYD
CHEMICAL CORPORATION a/k/a FIRST AID
CORPORATION, an Illinois Corporation; 3M
COMPANY, a Delaware Corporation;
ASHLAND LLC, a Kentucky Corporation;
GENUINE PARTS COMPANY, a Georgia
Corporation; LUCAS OIL PRODUCTS, INC., a
California Corporation; SAFETY-KLEEN
SYSTEMS, INC., a Wisconsin Corporation;
SHELL OIL COMPANY, a Texas Corporation;
SUNOCO, LLC (R&M) f/k/a Sunoco, Inc.
(R&M) f/k/a Sun Company, Inc. and Sun Oil
Company, Inc., a Pennsylvania Corporation; VP
RACING FUELS, INC., a Delaware
Corporation.

Defendants.

CDS-VCF
CASE NO.: 2:22-CV-01304-JCM-EJY

**JOINT STIPULATION AND ORDER TO
WITHDRAW NOTICE OF REMOVAL
AND MOTION TO REMAND AND TO
REMAND ACTION TO STATE COURT
(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for Defendant Safety-Kleen Systems, Inc. ("Safety-Kleen"), appearing solely for the purpose of this Stipulation and Order and for no other purpose, and Plaintiffs Wesley Barber and Jacquelyn Holton Barber ("Plaintiffs"), that Safety-Kleen's Notice of Removal dated August 12, 2022 is hereby withdrawn without fees or costs, and that this matter is remanded to the District Court of Clark County, Nevada.

IT IS FURTHER STIPULATED AND AGREED, that Plaintiffs' Motion to Remand dated August 16, 2022 is hereby withdrawn without fees or costs.

IT IS FURTHER STIPULATED AND AGREED, that the Clerk of the United States District Court for the District of Nevada shall mail a copy of this Stipulation and Order to the

1 Clerk of the District Court of Clark County, Nevada, and that said state court shall thereafter
2 proceed with this case.

3 Dated: August 26, 2022.

Dated: August 26, 2022.

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5 LEWIS BRISBOIS BISGAARD
& SMITH LLP

CLIFF W. MARCEK, P.C.

6 By: /s/ Steven B. Abbott

By: /s/ Cliff W. Marcek

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ORDER

IT IS SO ORDERED, based on the foregoing stipulation:

1. Safety-Kleen's Petition for Removal is withdrawn without fees or costs;
2. Plaintiff's Motion to Remand (ECF No. 4) is DENIED as moot, and withdrawn without fees or costs;
3. This matter is remanded back to the Eighth Judicial District Court, Department 29, A-22-856677-C; and
4. The Clerk of the United States District Court for the District of Nevada shall mail a copy of this Stipulation and Order (ECF No. 6) to the Clerk of Court, Eighth Judicial District Court, Clark County, Nevada, and that said state court shall thereafter proceed with this case, then close this case.

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: August 30, 2022

Respectfully submitted by:

CLIFF W. MARCEK, P.C.

LEWIS BRISBOIS BISGAARD
& SMITH LLP

By: /s/ Cliff W. Marcek

By: /s/ Steven B. Abbott

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